

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROBERT ROYCE BYFORD,  
Petitioner,  
v.

WILLIAM GITTERE, *et al.*,  
Respondents.

Case No. 3:11-cv-00112-JCM-WGC

**ORDER GRANTING  
MOTION FOR EXTENSION OF TIME  
(ECF NO. 115)**

In this capital habeas corpus action, the petitioner, Robert Royce Byford, represented by appointed counsel, filed a third amended petition for writ of habeas corpus on January 30, 2020 (ECF No. 92). Respondents filed a motion to dismiss the third amended petition on September 25, 2020 (ECF No. 107). After a 62-day extension of time and then a 25-day extension of time, Byford was due to respond to the motion to dismiss by February 19, 2021. See Order entered October 24, 2019 (ECF No. 88); Order entered December 11, 2020 (ECF No. 112); Order entered January 27, 2021 (ECF No. 114).


On February 19, 2021, Byford filed a motion for extension of time (ECF No. 115), requesting a further 5-day extension of time, to February 24, 2021. Then, on February 24, 2021, Byford filed his response to the motion to dismiss (ECF No. 116), along with a motion for leave to conduct discovery (ECF No. 117) and a motion for evidentiary hearing (ECF No. 119). Byford's counsel states that the extension of time was necessary because of his obligations in other cases. Respondents do not oppose the motion for extension of time.

1 The Court finds that Byford's motion for extension of time is made in good faith  
2 and not solely for the purpose of delay, and that there is good cause for the extension of  
3 time requested.

4 **IT IS THEREFORE ORDERED** that Petitioner's motion for extension of time  
5 (ECF No. 115) is **GRANTED**. Petitioner response to the motion to dismiss, as well as  
6 his motion for leave to conduct discovery (ECF No. 117) and motion for evidentiary  
7 hearing (ECF No. 119), will be considered timely filed.

8 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further  
9 proceedings set forth in the order entered October 24, 2019 (ECF No. 88) will remain in  
10 effect.

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12 DATED March 1, 2021.

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15 JAMES C. MAHAN,  
16 UNITED STATES DISTRICT JUDGE  
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